

Taiwan

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Freedom of the Press

Taiwan's media environment is one of the freest in Asia, with a vigorous and diverse press that reports aggressively on government policies and alleged official wrongdoing. However, political polarization, self-censorship, and indirect Chinese influence somewhat limit the diversity of opinions represented in mainstream media. In 2013, concerns regarding the issue of concentration of ownership remained in the spotlight. The National Communications Commission (NCC) rejected a media conglomerate's bid to purchase the country's second-largest cable provider, and a planned buyout of the Taiwan assets of Hong Kong's Next Media Group also collapsed, after the consortium of buyers reportedly withdrew to avoid antitrust scrutiny.

The constitution provides for freedoms of speech and of the press, and the government and independent courts generally respect these rights in practice. Publication of defamatory words or pictures can be punished with a maximum of two years in prison. Media freedom advocates continued to urge the government to decriminalize defamation. In August 2012, Taiwanese vice president Wu Den-yih filed a civil defamation suit against *Next Magazine*—a popular weekly tabloid—for running a series of reports alleging his involvement in major corruption scandals over the course of his political career. The lawsuit was pending at the end of 2013.

Taiwan's Freedom of Government Information Law, enacted in 2005, enables public access to information held by government agencies, including financial audit reports and documents about administrative guidance. Many journalists in Taiwan are unaware of the law, and even those that were aware of its existence had never heard of a request being filed under it. However, government agencies and local governments publish request approval/denial statistics on their websites, and in general it seems that requests are made and approved quite regularly. For example, in the first four months of 2012, over 2,000 applications were submitted to the Ministry of Foreign Affairs, and all were fully approved.

Print media are free of state control, and following reforms in recent years, broadcast media are no longer subject to licensing and programming reviews by the Government Information Office (GIO), which was formally dissolved in 2012. The NCC is Taiwan's main regulatory body tasked with awarding licenses and enforcing broadcasting guidelines. In December 2011, the Legislative Yuan, or parliament, amended the law governing the NCC, changing the process for appointing its chair from internal selection by the commissioners to appointment by the premier and approval by the parliament. The new rule was implemented for the first time in mid-2012, when a new NCC chairperson was chosen.

Two proposed transactions pending government approval in 2012 both fell through in 2013. In February, the NCC formally rejected Want Want Broadband's NT\$76 billion (US\$2.55 billion) bid to acquire China Network Systems (CNS), Taiwan's second-largest cable television provider, after it failed to meet the preconditions set by the commission in July 2012. Want Want Broadband is a subsidiary of the Want Want Group, a conglomerate consisting of multiple media outlets owned by Tsai Eng-meng, a pro-Beijing businessman with significant investments in China. The preconditions imposed by the commission included having the owners disassociate themselves from the news operations of CtiTV, a Want Want television network, and establish a system to ensure the editorial independence of their other television holdings. The company attempted to fulfill part of the conditions by placing 75 percent of its CtiTV shares in a trust within a Taiwanese bank in December 2012. However, the NCC concluded that such an

arrangement left the controlling relations between the owner and property unchanged, and noted that a future application would only be successful if the conditions could be met.

In the second major deal, Taiwan's Fair Trade Commission announced in April that the proposed buyout of the Taiwan assets of the Hong Kong-based Next Media Group had collapsed, after the consortium of buyers, most of them with significant business interests in China, submitted a notice to withdraw from the NT\$17.5 billion (US\$588 million) deal. Next Media Group's proposed sale included *Apple Daily* and *Next Magazine*, both known for their sensational but nonpartisan coverage of Taiwanese politics and critical reporting on the Chinese Communist Party. Amid a nationwide movement against concentration of media ownership—triggered by Want Want's earlier attempt to acquire CNS—the potential buyers, including Tsai Shao-tsung, the son of Tsai Eng-meng, reportedly withdrew to avoid antitrust scrutiny. After the deal was called off, Next Media decided to keep its print assets and sell its television arm to Lien Tai-sheng, chairman of Taiwan's ERA Communications. The NCC approved the NT\$1.4 billion (US\$47 million) buyout in November with preconditions, including that ERA must relinquish 2 channels out of the 18 cable television stations controlled or distributed by the group. Lien agreed to end the company's distribution of Formosa Television News by the end of 2014 and Sanlih E-Television (SET) News by the end of 2016. The NCC also requested that ERA and Next TV have separate operations and staff for their news channels. According to local media, several rounds of layoffs reportedly took place at Next TV, which was left with less than 100 employees following the sale.

Media coverage is often critical of the government, though the sector is politically polarized. Most outlets are sympathetic to either the governing Kuomintang party or the opposition Democratic Progressive Party. In 2013, analysts continued accusing Want Want Group of using its media assets to intimidate its opponents as well as those involved in the anti-media monopoly movement. A graduate school student was targeted in January, after a photo taken by her of prominent American scholar Noam Chomsky was widely circulated online. Chomsky had been invited to hold a placard with the anti-media monopoly campaign's slogans, along with text that read in Mandarin Chinese, "Say no to China's black hands." Want Want's *China Times* published a series of reports accusing the student of manipulating Chomsky, as did the group's CtiTV news channel. In an official e-mail response, Chomsky denied that he had been misled and said he hoped the interpretation did not go beyond the issues concerning media monopoly and freedom of the press. CtiTV, which had published an interview with Chomsky, later issued an apology for mistranslating his clarifying statement.

Self-censorship continues to be a problem in Taiwan. In July 2013, Taiwan's state-run Central News Agency (CNA) nixed an article about the release of a poll conducted by global consulting firm Gallup, which ranked Taiwan as one of the top 10 most pessimistic countries among the 141 surveyed. CNA claimed that it decided not to publish the article because of the quality of the survey. However, local media reported that there had been pressure from the agency's editor in chief. As commercial ties between Taiwan and China deepen, pressure from media owners on employees to censor negative information about China to protect their financial interests persisted throughout the year. In addition to a reduced amount of front-page articles in newspapers about China's social and political issues, there was a surge of Chinese entertainment news, deemed less sensitive to the authorities in Beijing. In April, during their prime-time news programming, at least two news channels gave extensive airtime to "I Am a Singer," a popular singing competition produced by China's Hunan Satellite Television. According to the NCC, which launched an investigation over the incident, the outlets faced up to NT\$2 million (US\$67,000) for violating the country's broadcasting law, which stipulates that stations need prior approval from the government to broadcast Chinese programs.

Physical violence against journalists in Taiwan is rare, and both local and foreign reporters in general are able to cover the news freely. According to the Association of Taiwan Journalists, reporters experienced rougher treatment from the police during protests, though no retaliatory attacks on members of the press

were reported in 2013.

Taiwan is home to more than 360 privately owned newspapers and numerous radio stations. Satellite television systems carry more than 280 channels. Legislation approved in 2003 barred the government and political party officials from holding positions in broadcast media companies, and required government entities and political parties to divest themselves of all broadcasting assets. Following two and half years of disputes in the legislature over the proposed list of new members, the Public Television Service (PTS) formed a new board of directors in June 2013. The previous PTS board's term had expired in 2011. In July, Shaw Yu-ming, a former head of the now-defunct GIO, was appointed as the new chairman.

Despite public support, efforts to pass an anti-media monopoly act stalled in the legislature in 2013. Lawmakers were unable to reach consensus on the definition of monopoly and the percentage of ownership an investor can partake in media entities. Companies complained that the bill would only target those with significant business activities in China. In June, the Taiwanese government signed a new service trade pact with Beijing, under which investors from each side would be able to hold minority stakes as part of joint ventures in the other's printing industry. Taiwanese negotiators did not move further in lifting trade barriers in the publishing sector due to concerns among Taiwanese companies that Chinese investors would impose content censorship. The trade pact was pending review by the legislature at the end of 2013.

A 2011 amendment to the Budget Law prohibited Taiwanese government agencies and government-funded entities from using public funds for paid news. The measure also prohibited embedded marketing—advertising cloaked as news—for political purposes or for the promotion of a particular high-ranking official. Since then, there has reportedly been a notable reduction in such cases. There have been concerns about the Chinese government influencing media content through embedded marketing. Such practices by foreign governments were excluded from the 2011 legal amendment, but Chinese official advertising in Taiwanese media is generally banned under a 1992 law. Meanwhile, advertising from Chinese companies or business groups with significant interests in China has taken on an increasingly important role and also contributes to self-censorship.

The government refrains from restricting the internet, which was accessed by 76 percent of the population in 2013. In May, the Taiwan Intellectual Property Office proposed an amendment to the country's Copyright Act, which would enable the agency to request that internet service providers block an undisclosed list of domains or IP addresses it believes are connected to illegal file sharing. The plan was scrapped, however, after several large internet companies and rights groups expressed concerns that it would undermine Taiwan's internet freedom.

2014 Scores

Press Status

Free

Press Freedom Score

(0 = best, 100 = worst)

26

(0 = best, 30 = worst)

9

(0 = best, 40 = worst)

9

(0 = best, 30 = worst)

8